



PATENT

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**  
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Scott R. Hansen

*Considered  
SMC 8/22/05*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/691,033  
Applicant : Zongqin Xia, et al.  
Filed : October 21, 2003  
Art Unit : 1654  
Examiner : Susan D. Coe  
Title : SMILAGENIN AND ITS USE  
  
Docket No.: : HASEL-65949  
Customer No. : 24201

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

I, Daryl Rees, hereby declare as follows:

1. I hold the degrees of MSc in Pharmacology (London, England, 1985) and PhD in Pharmacology (London, England, 1991). I hold the position of Chief Operating Officer of Phytopharm plc, the Assignee of this patent application. I joined Phytopharm plc in June 1999 from University College, London, England, where I was then a Senior Lecturer in Clinical Pharmacology. I am an Honorary Senior Lecturer in the Department of Medicine at University College, London, a former Editor of the British Journal of Pharmacology, and Chairman of the Huntingdon Research Ethics Committee.

2. The information provided in this Affidavit is taken from the relevant records of Phytopharm plc, to which I have full access, and my personal knowledge.

3. I have studied the Office Action of February 17, 2005 and note that claims 5-8 are rejected as claiming subject matter that was not explained in the specification such that one